

From: Mike McCune
To: Microsoft ATR
Date: 1/6/02 11:07pm
Subject: Microsoft Settlement.

I've waited until late so that I can fully digest and understand the settlement. I work in the computer field, so getting a settlement that allows competition without harming the computer industry is very important to me.

I won't rehash the current settlement proposal since that has been done endlessly by now. I will only say that it has so many exceptions and exclusions that it would be unenforceable. We must not make the same mistake we made with the 1995 consent decree. The final settlement must be both simple and enforceable.

There only needs to be two simple conditions that need to be enforced:

- 1) Microsoft must give everyone full and timely access to all interfaces, data formats, protocols and APIs. Full and timely is defined by the oversight committee, not Microsoft.
- 2) Microsoft must give the exact same licensing terms to all customers. It must also disclose the terms publically. This will prevent Microsoft from using its monopoly to reward or punish customers and vendors.

There must be real and enforceable punishment if Microsoft breaks these terms. If they break the first condition, let everyone have access to the offending programs source code. That would allow others to figure out the interfaces, data formats, protocols and APIs for themselves.

Breaking the second condition would result in a fine. The fine would need to be big enough to be a deterrent. Microsoft has a large cash reserve and if the fine is too small, they may decide to pay rather than obey.

Please let me know how I can view all the public comments and how I can find out the final terms of the settlement.

Sincerely,

Mike McCune
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